



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

EVIDENCE—NON-EXPERT WITNESSES—INSANITY.—*BETTS v. STATE*, 89 S. W. 413 (Tex.).—*Held*, that it was error to permit non-experts to give their opinions that the defendant was sane, without first testifying as to the defendant's conduct and the observations from which the non-experts derived their conclusions.

This seems to be a much mooted question and to be decided differently in the several states. Some hold that if a change has taken place in the defendant's conduct a witness, not an expert, could be permitted to testify as to the defendant's insanity provided he had noticed the change of conduct. *State v. Winter*, 72 Iowa 627. It is proper to permit non-expert witnesses to give their opinion of the defendant's insanity, though they may not give any particular circumstances in support of their views. *Cotrell v. Commonwealth*, 17 S. W. 149. The reason for this is that a witness who has had actual acquaintance with and knowledge of a person ought to know whether or not that person was insane. But *Collee v. State*, 75 Ind. 511; *State v. Erb*, 74 Mo. 199; *Parsons v. State*, 87 Ala. 577, substantially hold that non-experts may give their opinions of the defendant's insanity but that they must first state to the jury upon what facts these opinions are based. The reason for this is that the jury should know the facts in order to ascertain what weight they shall give to the testimony of the witness. This seems to be the prevailing and better rule.

EVIDENCE—UNCORROBORATED CONFESSION.—*BLACKER v. STATE*, 105 N. W. 302 (NEB.).—*Held*, that one cannot be convicted of a felony upon his own unsupported extrajudicial confession.

Whether the uncorroborated confession of an accused in a criminal case is alone sufficient for a conviction is a question "which," says *Wigmore on Evidence*, Vol. III, Sec. 2070, "for more than an hundred years has been left culpably unsettled in English law." In 1784 there was a ruling that such a confession sufficed. *R. v. Wheeling*, 1 Leach C. L. 24; but this was not final authority; it remains, however, in the English and Irish courts except in cases of homicide. So in 1887 it was held *R. v. Sullivan*, (Ire.) 16 Cox. C. 347, that an uncorroborated confession was sufficient to sustain a conviction for larceny. Since then the United States courts have been at liberty to adopt whatever rule they saw fit. *People v. Elliott*, 90 Cal. 586; *Cunningham v. Com.*, 72 Ky. 143, held that a confession of a defendant, unless made in open court, would not warrant a conviction unless accompanied by other proof that a crime had been committed. The reason why caution is necessary in these cases is that the defendant may have admitted things as true, such as in case of forgery, writing another's name to a note, when he really intended by such a confession to imply that the act was done rightfully. See also *State v. Knowles*, 48 Iowa 598, for the same proposition. But to the contrary *State v. Cowan*, 29 N. C. 239; *Stephen v. State*, 11 Ga. 225, held that any person accused of an offense might be convicted upon his own voluntary confession although it was totally uncorroborated by any other proof. The best rule, and the one supported by the weight of authority in this country, is that there should be corroborating evidence. *Greenleaf on Evidence*, Sec. 217, says "it best accords with the humanity of the criminal code."

HIGHWAY AGENT—LIABILITY OF TOWN FOR NEGLIGENCE.—*WHEELER v. TOWN OF GILSUM*, 62 ATL. 597 (N. H.).—A highway under control of defendant town was overflowed, so as to prevent travel thereon, by reason of

an ice jam on an adjoining river. Defendant's highway agent went out upon the river and attempted to break up the jam with dynamite. He did this so carelessly that the ice bore down upon plaintiff's mill, which was down the river a short distance, and completely demolished it. The dynamiting could have been done in such a manner that the ice would have passed off easily. The highway agent and other proper officers knew of the danger in time to prevent the occurrence but took no steps to do so. Plaintiff claims damages for the loss of his mill. *Held*, that no duty rested upon the town to act for the protection of the plaintiff and its failure merely to take action is not actionable negligence.

INFAMOUS CRIME—DEFINITION.—*GARITEE v. BOND*, 62 ATL. (MD.). 631.—Appellant was named as executor of a will and on application to the Orphan's Court of Baltimore for letters testamentary, the appellee, claiming to be the adopted son of the testatrix, filed a petition asking that letters be refused, because appellant had been convicted of and imprisoned for an infamous crime and had been disbarred as an attorney by the Supreme Bench of Baltimore City for improper conduct involving moral turpitude. Appellant admitted that he had been indicted and convicted of violation of an act of Congress (U. S. Comp. St. 1901, p. 3231), which provided "that no attorney should take . . . more than \$10 for preparing, etc., . . . any pension claim." It is claimed by appellant that this is not an infamous offense and that nothing alleged would justify the court in refusing to grant him letters prayed for.

Held, that the decision as to the infamy of the offense depended, not on the punishment prescribed, but in the character of the offense itself and that the statutory offense of which appellant was convicted did not involve the requisite degree of moral turpitude to make the transgression an infamous crime at common law. Appellant's contention was sustained (The opinion cites a number of cases as to whether the *character* or *punishment* of a crime is the criterion as to its infamy.)

INJUNCTIONS—INTERFERENCE WITH PATRONS—BOYCOTT.—*JENSEN v. COOKS' AND WAITERS' UNION OF SEATTLE ET AL.*, 81 PAC. 1069 (WASH.).—*Held*, that former employees of an establishment may be restrained, by injunction, from congregating about the entrance of the place of business for the purpose of preventing, by force or persuasion, the public from entering.

Employees who have quit their employment have no further interest in the business of their former employer and no lawful right to interfere with such business by attempting to induce other employees or the public from transacting business with their former employer. *Rundsen v. Benn*, 123 Fed. 636. If they enter upon the premises except for the *bona fide* purposes of trade they are trespassers. *Foster v. Retail Clerks' I. P. Ass'n.*, 39 Misc. (N. Y.) 48. But, as a general proposition, the proprietor of a store cannot restrain sympathizers from picketing the store provided they use no violence or coercion; *Union Pac. Ry. Co. v. Ruef*, 120 Fed. 102; unless their interference amounts to an unlawful conspiracy. *Gray v. Bldg. Trades Council*, 97 N. W. 663 (Minn). Nor will an injunction be granted unless it clearly appears that there is a substantial pecuniary loss for which there is no adequate remedy at law. *Atkins v. Fletcher*, 55 Atl. 1074 (N. J. Eq.). The fact that their acts are punishable under the criminal law will not, however, prevent the issuing of an injunction. *Union Pac. Ry. Co. v. Ruef*, *supra*.